

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2010 MAR -2 PM 12: 54

DEPUTY CLERK jl

GLENN ARTHUR THOMAS, PRO SE, §
also known as §
GLEN A. THOMAS, §
TDCJ-CID No. 770520, §
Previous TDCJ-CID No. 450064, §
Previous TDCJ-CID No. 392062, §
§
Plaintiff, §
§
v. § 2:08-CV-0060
§
BOARD OF PARDONS AND PAROLES §
ET AL., §
§
Defendants. §

ORDER OF DISMISSAL

Plaintiff GLENN ARTHUR THOMAS, acting *pro se* and while a prisoner confined in the Baten Intermediate Sanction Facility, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the BOARD OF PARDONS AND PAROLES, GENE HOOD, JOE NUNN, and the TEXAS DEPARTMENT OF CRIMINAL JUSTICE, I.D., and was granted permission to proceed *in forma pauperis*.

On February 12, 2010, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims and recommending the instant cause be dismissed with prejudice to being asserted again until the *Heck* conditions are met; dismissed with prejudice as frivolous and without prejudice for failure to state a claim on which relief can be granted; and dismissed without prejudice pursuant to Federal Rules of Civil Procedure 12(b)(1).

The period for objections has expired, and plaintiff has failed to file objections to the

February 12, 2010, Report and Recommendation.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the instant cause is DISMISSED WITH PREJUDICE TO BEING ASSERTED AGAIN UNTIL THE HECK CONDITIONS ARE MET; DISMISSED WITH PREJUDICE AS FRIVOLOUS AND WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED; and DISMISSED WITHOUT PREJUDICE PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1).

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

Signed this the 2nd day of March, 2010.


MARY LOU ROBINSON
United States District Judge